

Cause No. 11-03F

Name: James McIntosh

Administrative Law Judge: Gary W. Bippus

Date: April 26, 2011

Commission Action: Affirmed

FINDINGS OF FACT

1. Mr. McIntosh is a resident of Hometown, Indiana and is employed as a District Chief in the Fire Department of the City of Fort Wayne, Indiana.
2. Mr. McIntosh has been awarded an Associate's degree in Fire Technology by Shasta College and a Bachelor's degree in Management by Indiana Wesleyan University.
3. Mr. McIntosh currently holds Indiana certifications issued by the Indiana Department of Homeland Security and the Board of Firefighter Personnel Standards and Education. Those include Fire Officer III, Instructor II/III, Safety Officer, and Fire Officer Strategy and Tactics.
4. Mr. McIntosh's college transcript demonstrates that he has had college courses related to:
 - a. Human resources management;
 - b. Community and government relations;
 - c. Administration;
 - d. Inspection and investigation;
 - e. Emergency services delivery; and
 - f. Health and safety.
5. Mr. McIntosh has attended, participated in, and successfully completed several seminars and training classes on relevant topics important to persons seeking to

acquire or maintain a certification as a Fire Officer IV.

CONCLUSIONS OF LAW

1. The Department of Homeland Security is an agency within the meaning of I.C. 4-21.5.
2. The Agency is the state entity charged with the responsibility of certifying Applicants for Firefighter and Fire Officer Certifications within the State of Indiana. I.C. 4-21.5, I.C. 22-14-2 and 655 IAC apply to this proceeding.
3. 655 IAC 1-2.1-11 is the Rule of the Board of Firefighting Personnel Standards and Education specifying the training standards for certification as a Fire Officer IV. That rule incorporates, by reference, NFPA 1021, Standard for Fire Officer Professional Qualifications, Chapter 6, 2003 Edition, published by NFPA, as the appropriate training standard. Additionally, 655 IAC 1-2.1-11(b) requires an applicant for the Fire Officer IV certification to be certified as a Fire Officer III.
4. Mr. McIntosh's education and training meet or exceed the requirements set by the Board of Firefighting Personnel Standards and Education, through its administrative rules, to be awarded the Fire Officer IV certification.
5. The agency offered neither evidence nor argument opposing Mr. McIntosh's certification as a Fire Officer IV.

DECISION AND ORDER

The decision of the Board of Firefighting Personnel Standards and Education denying Mr. McIntosh certification as a Fire Officer IV is reversed. Accordingly, that certification should be granted to him.

